

Appl. No. 09/704,134
Amdt. Dated April 30, 2007
Reply to Office action of January 29, 2007

REMARKS

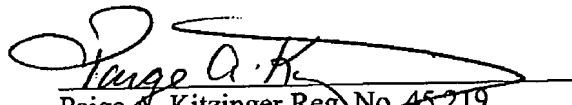
Each of pending claims 1-10 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of co-pending United States Application No. 11/399,566. The Examiner has indicated that the claims are "not patentably distinct from each other because the controller, claimed in the instant application, is not specifically claimed but is implied to control the X-Y mechanical drive of copending Application No. 11/399,566". Applicant notes, however, that the claims of the '566 application require the placement of the pharmaceuticals in a template, transferring the pharmaceuticals from the template to a temporary storage member, and finally transferring the pharmaceuticals from the temporary storage member, to the product package. The claims of the instant application do not provide for the use of a temporary storage member. Despite the foregoing, Applicant submits herewith a Terminal Disclaimer in which Applicant has disclaimed the terminal portion of the term of any patent for the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on Application No. 11/399,566. Applicant therefore requests that the rejection be withdrawn and that the pending claims be allowed.

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The Commissioner is hereby authorized and requested to charge any fees due or to credit any overpayment in connection with this Amendment, including the fee under 37 C.F.R. 1.20(d), to the deposit account of the undersigned firm, Account No. 50-3891.

Respectfully submitted,

Date: 4/30/07



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